

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

Dennis Hagy,	:	Case No.: 2:10-cv-1372
Tamara Hagy,	:	
Dustin Hagy,	:	Judge:
	:	
and	:	Jackson County, West Virginia
	:	Civil Court Action No.: 10-C-163
Clark Hagy,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
Equitable Production Company,	:	
	:	
Warren Drilling Company, Inc.,	:	
	:	
BJ Services Company, USA,	:	
	:	
and	:	
	:	
Halliburton Energy Services, Inc.	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

To the Honorable Judges of the United States
District Court of the Southern District of West Virginia:

Removing party, Warren Drilling Company, Inc., by
the undersigned attorneys, respectfully represent to this
Court:

1. Warren Drilling Company, Inc. is a Defendant

in the above-entitled action.

2. On October 26, 2010, the above-entitled action was commenced against Warren Drilling Company, Inc. in the Circuit Court of Jackson County, West Virginia, and is pending in that court (Civil Action No.: 10-C-163).

3. On November 12, 2010, Warren Drilling Company, Inc. received a copy of the Summons and Complaint and was served with process.

4. This Notice of Removal is being filed within thirty days after receipt of the initial service of the Summons and Complaint.

5. At Paragraph 18 of the Complaint, the Plaintiffs allege that the Defendants violated the Federal Solid Waste Disposal Act, 42 U.S.C. Sections 6901, *et seq.*, the Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. Section 1251, *et seq.*

6. This Court has jurisdiction over the subject matter of some of the claims, pursuant to 28 U.S.C. Section 1331, because this Court has "original jurisdiction of all civil actions...arising under...the laws...of the United States."

7. This Court also has subject matter

jurisdiction over any pendent state law claims.

8. Based on information and belief, the amount in controversy in this action, exclusive of interest and costs, exceeds \$75,000.

9. Based upon Paragraph 2 of the Complaint, Plaintiffs Dennis Hagy and Tamara Hagy are citizens of the State of West Virginia.

10. There is no allegation in the Complaint regarding the citizenship of Dustin Hagy and Clark Hagy. Paragraph 12 of the Complaint alleges that neither of these Defendants owns or resides at the property located in Jackson County, West Virginia, but that they consumed contaminated water at Ripley, West Virginia, and Columbus, Ohio, respectively.

11. Pursuant to 28 U.S.C. Section 1332(c), the Defendants are all corporations and are citizens of the States of Pennsylvania, Ohio, and Texas.

12. To the extent that none of the Plaintiffs are citizens of Pennsylvania, Ohio, or Texas, this Court has subject matter jurisdiction based on diversity of citizenship, pursuant to 28 U.S.C. Section 1332(a)(1).

13. Copies of the original Summons and Complaint received by the Defendant, Warren Drilling Company, Inc., from the West Virginia Secretary of State on November 12,

2010, are attached hereto as Exhibit 1.

WHEREFORE, pursuant to 28 U.S.C. Section 1446(a), Defendant, Warren Drilling Company, Inc., hereby gives notice of removal to all parties and prays that the action be removed from the Circuit Court of Jackson County, West Virginia, to The U.S. District Court for the Southern District of West Virginia, Charleston Division, and that the Court exercise jurisdiction over the subject matter of this action.

Respectfully submitted,

/s/James S. Huggins
James S. Huggins (1815)
Colleen Cook (808)
THEISEN BROCK, a legal professional
association
424 Second Street
Marietta, Ohio 45750
Telephone: (740) 373-5455
Telecopier: (740) 373-4409
huggins@theisenbrock.com

Certificate of Service

The undersigned hereby certifies that a copy of this Notice of Removal was served upon the following attorneys and parties by ordinary, first-class mail, postage pre-paid, on this 10th day of December, 2010:

Eric J. Holmes
Kevin C. Harris
Law Offices of Harris and Holmes, PLLC
115 North Church Street
Ripley, West Virginia 25271
Attorneys for the Plaintiffs

CT Corporation
P.O. Box 951
Charleston, WV 25271
Equitable Production Company

Timothy D. Houston
300 Kanawha Blvd. East
Charleston, WV 25321-0273
Attorney for BJ Services Company USA

Debra Varner, Esq.
McNeer Highland McMunn & Varner
P.O. Box 2040
Clarksburg, WV 26301
Attorney for Halliburton Energy Services, Inc.

/s/James S. Huggins
James S. Huggins

(280396)